

REMARKS

Claims 1-7 are pending in the application.

Claim Rejections under 35 U.S.C. §112

Claims 1-7 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This 35 U.S.C. 112, second paragraph, rejection has been rendered moot for claims 1-7 in light of the above claim amendments. Withdrawal of this rejection is therefore solicited.

Claim Rejections under 35 U.S.C. §102

Claims 1, 2 and 6 stand rejected under 35 U.S.C. §102 (a/e) as allegedly anticipated by Koshy (U.S. Patent No. 6,451,876).

Claims 1, 2 and 6 stand rejected under 35 U.S.C. §102 (b) as allegedly anticipated by Makhlouf et al. (U.S. Patent No. 5,712,317).

Claims 1, 2 and 6 stand rejected under 35 U.S.C. §102 (b) as allegedly anticipated by Deviney et al. (U.S. Patent No. 5,403,655).

Claims 1, 2 and 6 stand rejected under 35 U.S.C. §102 (b) as allegedly anticipated by Deviney et al. (U.S. Patent No. 5,385,778).

Claims 1, 2 and 6 stand rejected under 35 U.S.C. §102 (b) as allegedly anticipated by Koshy (WO 02/31077).

Claims 1, 2 and 6 stand rejected under 35 U.S.C. §102 (b) as allegedly anticipated by Harrison (U.S. Patent No. 6,403,222) which is said to be the equivalent of WO 02/24451.

Claims 1, 2 and 6 stand rejected under 35 U.S.C. §102 (b) as allegedly anticipated by Makhoulf et al. (U.S. Patent No. 5,470,886) which is said to be the equivalent of WO 95/27000.

Claim 1 stands rejected under 35 U.S.C. §102 (b) as allegedly anticipated by Yokohama Rubber (Derwent Abstract 77355W/47).

Claim 1-7 as amended require that a permanent deformation occur around the microspheres and compressive residual stress be created in the thermoset. This amendment finds support throughout the application including in the paragraph at the top of page 4 of the specification. None of the cited references teach this limitation, and therefore do not anticipate any of claims 1-7. Withdrawal of these rejections is thus solicited.

Claim Rejections under 35 U.S.C. §102/103

Claim 7 stands rejected under 35 U.S.C. §102 (a/e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103 (a) as obvious over Koshy (U.S. Patent No. 6,451,876).

Claim 7 stands rejected under 35 U.S.C. §102 (b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103 (a) as obvious over any of: Makhoulf et al. (U.S. Patent No. 5,712,317); Deviney et al. (U.S. Patent No. 5,403,655); Deviney et al. (U.S. Patent No. 5,385,778); Koshy (WO 02/31077); Harrison (U.S. Patent No. 6,403,222); Makhoulf et al. (U.S. Patent No. 5,470,886); Yokohama Rubber (Derwent Abstract 77355W/47).

Claim 1-7 now require that a permanent deformation occur around the microspheres and compressive residual stress be created in the thermoset. None of

the cited references teach or suggest the presently claimed subject matter, and therefore withdrawal of these rejections is solicited.


Claim Rejections under 35 U.S.C. §103

Claims 3-5 stand rejected under 35 U.S.C. §103 (a) as allegedly unpatentable over any of: Koshy (U.S. Patent No. 6,451,876); Makhoul et al. (U.S. Patent No. 5,712,317); Deviney et al. (U.S. Patent No. 5,403,655); Deviney et al. (U.S. Patent No. 5,385,778); Koshy (WO 02/31077); Harrison (U.S. Patent No. 6,403,222); Makhoul et al. (U.S. Patent No. 5,470,886).

Claim 1-7 now require that a permanent deformation occur around the microspheres and compressive residual stress be created in the thermoset. None of the cited references teach or suggest the presently claimed subject matter, and therefore withdrawal of these rejections is solicited.

For at least the foregoing reasons, it is believed that this application is in condition for allowance containing claims 1-7. Action to that end is solicited. The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Response or other matters that may be handled in that fashion to expedite the allowance of the present application.

Respectfully submitted

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